

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUGO COLLAZOS-MUNOZ,

Defendant.

NOS. CR-00-054-RHW  
CR-00-058-RHW  
CR-00-105-RHW  
CV-11-172-RHW  
CV-11-173-RHW  
CV-11-174-RHW

**ORDER DISMISSING MOTION FOR  
LEAVE TO FILE SECOND OR  
SUCCESSIVE PETITION**

Before the Court is Defendant's Motion for Leave to File a Second or Successive Petition Pursuant to 28 U.S.C. § 2255.

Defendant asks permission to file a second or successive Petition for Writ of Habeas Corpus, based on newly discovered evidence. Pursuant to 28 U.S.C. § 2255(h), a second or successive motion must be certified by the Ninth Circuit Court of Appeals. This Court does not have jurisdiction to hear Defendant's Motion without permission from the Ninth Circuit Court of Appeals. *See Burton v. Stewart*, 549 U.S. 147, 149 (2007) (per curiam).

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant's Motion for Leave to File a Second or Successive Petition

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**ORDER DISMISSING MOTION FOR LEAVE TO FILE SECOND OR  
SUCCESSIVE PETITION~ 1**

1 Pursuant to 28 U.S.C. § 2255 (ECF Nos. 255, 254, 230) is **dismissed**.

2 **IT IS SO ORDERED.** The District Court Executive is hereby directed to enter  
3 this Order and to furnish copies to counsel.

4 **DATED** this 3<sup>rd</sup> day of May, 2011.

5  
6 *s/Robert H. Whaley*

7 ROBERT H. WHALEY  
8 United States District Judge

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